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**SEP 25 2008**

In re Application of Fong et al.	:	
Application No. 09/944,313	:	Decision on Petition
Filing Date: August 30, 2001	:	
Attorney Docket No. 10012952-1	:	

This is a decision on the petition under 37 CFR 1.181 filed June 20, 2008, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

Facts:

The Office mailed a non-final Office action on March 7, 2007.

A reply and payment for an extension of time were filed July 9, 2007.

The Office mailed a Notice of Non-Compliant Amendment on July 18, 2007. The Notice stated,

The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

The July 18, 2007 Notice set a period for reply of one (1) month or thirty (30) days (whichever is later). Since August 18, 2007, fell on a Saturday, and August 19, 2007, fell on a Sunday, a reply was due on or before August 20, 2007.

The image file wrapper contains a reply and new drawings filed August 20, 2007.

The Office mailed a Notice of Abandonment on March 18, 2008.

Discussion:

Petitioner requests the Office withdraw the holding of abandonment.

Petitioner has provided evidence to establish a reply to the July 18, 2007 Notice was mailed in compliance with 37 CFR 1.8(a) on August 17, 2007. However, such evidence is unnecessary

because the actual reply was received by the Office on August 20, 2007, and subsequently matched with the file.

Since a reply was timely filed in response to the July 18, 2007, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2151 will be informed of the instant decision and the examiner will review the papers filed August 20, 2007, in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. S. Brantley', with a stylized flourish at the end.

Charles Steven Brantley  
Senior Petitions Attorney  
Office of Petitions